

House Bill 1006

By: Representatives Mumford of the 95<sup>th</sup>, Walker of the 107<sup>th</sup>, Lunsford of the 110<sup>th</sup>, Holt of the 112<sup>th</sup>, and May of the 111<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To create a new judicial circuit for the State of Georgia, to be known as the Walton Judicial Circuit and to be composed of Walton County; to provide for the judges and district attorneys of said new circuit and the Alcovy Judicial Circuit and their terms, selection, and compensation; to revise and restate certain provisions of law relating to the Alcovy Judicial Circuit and to enact provisions for the Walton Judicial Circuit; to amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts in general, so as to provide for the composition, terms of court, and number of judges of said circuits; to provide for other related matters; to provide for an effective date and implementation; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

Effective February 1, 2009, there is created a new judicial circuit of the superior courts of this state to be known as the Walton Judicial Circuit, which circuit shall be composed of Walton County. There shall be a district attorney and two judges of the Walton Judicial Circuit. The offices of judge and district attorney of the Walton Judicial Circuit shall be filled as follows:

(1) The district attorney of the Walton Judicial Circuit shall be appointed by the Governor for a term of office beginning February 1, 2009, and ending December 31, 2010, and until his or her successor is elected and qualified. A successor to such district attorney shall be elected by the voters of the Walton Judicial Circuit at the 2010 general election and quadrennially thereafter for a term of four years and until his or her successor is elected and qualified. A candidate for appointment or election to this office must be a resident of Walton County;

(2) Honorable John M. Ott, currently a judge of the Alcovy Judicial Circuit and a resident of Walton County, or his successor in office, if any, shall become a judge of the Walton Judicial Circuit. Judge Ott or his successor shall serve out the current term of office for which he or she was most recently elected, and future successors shall be elected by the voters of the Walton Judicial Circuit at the 2012 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2012 or thereafter must be a resident of Walton County;

(3) Honorable Eugene M. Benton, currently a judge of the Alcovy Judicial Circuit and a resident of Walton County, or his successor in office, if any, shall become the second judge of the Walton Judicial Circuit. Judge Benton or his successor shall serve out the current term of office for which he or she was most recently elected, and future successors shall be elected by the voters of the Walton Judicial Circuit at the 2012 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2012 or thereafter must be a resident of Walton County; and

(4) The judge of the Walton Judicial Circuit who has the longest continuous tenure as a judge of the superior courts shall be the chief judge of the Walton Circuit. If both judges have equal tenure, the chief judge shall be chosen by lot in a manner agreed upon by the two judges.

#### **SECTION 1-2.**

All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court of Walton County at such time as it was a part of the Alcovy Judicial Circuit, including all complaints, pleadings, petitions, indictments, special presentments, summonses, processes, motions, writs, and mesne and final proceedings, together with all books and records of any kind or character belonging to or issued, returnable, filed, pending, or commenced in such county, shall relate to, become a part of, and be transferred to the Walton Judicial Circuit and its jurisdiction.

#### **SECTION 1-3.**

In addition to the compensation and expenses paid from state funds, each judge of superior court of the Walton Judicial Circuit named in Section 1-1 of this Act shall continue to receive the supplemental expense allowance that such judge was receiving immediately prior to the effective date of this Act. Such supplemental expense allowance shall be paid from the funds of Walton County.

**SECTION 1-4.**

In addition to the compensation and expenses paid from state funds, the district attorney of the Walton Judicial Circuit shall receive a supplemental expense allowance of \$15,000.00 per annum, payable in equal monthly installments from the funds of Walton County.

**SECTION 1-5.**

The governing authority of Walton County shall be authorized, but not required, to employ assistant district attorneys, deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel, and other employees or independent contractors, as authorized under Code Section 15-18-20 of the Official Code of Georgia Annotated.

**PART II****SECTION 2-1.**

Effective with the creation of the Walton Judicial Circuit, there shall be a district attorney and two judges of the Alcovy Judicial Circuit which shall then be composed of Newton County. The offices of the judges and district attorney of the Alcovy Judicial Circuit shall be subject to the following provisions:

(1) The current district attorney of the Alcovy Judicial Circuit, the Honorable W. Kendall Wynne, Jr., who is a resident of Newton County, or his successor in office, if any, shall remain and become the district attorney of the Alcovy Judicial Circuit. District Attorney Wynne or his successor shall serve out the current term of office to which he or she was most recently elected, and future successors shall be elected by the voters of the Alcovy Judicial Circuit at the 2012 general election, and at the general election quadrennially thereafter, for a term of four years. A candidate for appointment or election to this office in 2012 or thereafter must be a resident of Newton County;

(2) Honorable Samuel D. Ozburn, currently a judge of the Alcovy Judicial Circuit and a resident of Newton County, or his successor in office, if any, shall remain a judge of the Alcovy Judicial Circuit. Judge Ozburn or his successor shall serve out the current term of office for which he or she was most recently elected, and future successors shall be elected by the voters of the Alcovy Judicial Circuit at the 2012 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2012 or thereafter must be a resident of Newton County;

(3) Honorable Horace J. Johnson, currently a judge of the Alcovy Judicial Circuit and a resident of Newton County, or his successor in office, if any, shall remain a judge of the

Alcovy Judicial Circuit. Judge Johnson or his successor shall serve out the current term of office for which he or she was most recently elected, and future successors shall be elected by the voters of the Alcovy Judicial Circuit at the 2012 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2012 or thereafter must be a resident of Newton County; and

(4) The judge of the Alcovy Judicial Circuit who has the longest continuous tenure as a judge of the superior courts shall be the chief judge of the Alcovy Circuit. If both judges have equal tenure, the chief judge shall be chosen by lot in a manner agreed upon by the two judges.

#### **SECTION 2-2.**

In addition to the compensation and expenses paid from state funds, each judge of superior court of the Alcovy Judicial Circuit named in Section 2-1 of this Act shall continue to receive the supplemental expense allowance that such judge was receiving immediately prior to the effective date of this Act. Such supplemental expense allowance shall be paid from the funds of Newton County.

#### **SECTION 2-3.**

In addition to the compensation and expenses paid from state funds, the district attorney of the Alcovy Judicial Circuit shall receive a supplemental expense allowance of \$15,000.00 per annum, payable in equal monthly installments from the funds of Newton County.

#### **SECTION 2-4.**

The governing authority of Newton County shall be authorized, but not required, to employ assistant district attorneys, deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel, and other employees or independent contractors, as authorized under Code Section 15-18-20 of the Official Code of Georgia Annotated.

### **PART III**

#### **SECTION 3-1.**

Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts in general, is amended by adding a new paragraph (40.2) to Code Section 15-6-1, relating to composition of judicial circuits, to read as follows:

"(40.2) Walton Judicial Circuit, composed of the County of Walton;"

and by revising paragraph (2) to read as follows:

"(2) Alcovy Judicial Circuit, composed of the ~~Counties~~ County of Newton ~~and Walton~~;"

### SECTION 3-2.

Said article is further amended in Code Section 15-6-2, relating to numbers of superior court judges, by adding a new paragraph (40.2) to read as follows:

"(40.2) Walton Circuit . . . . . 2"

and by revising paragraph (2) to read as follows:

"(2) Alcovy Circuit .....~~4~~ 2".

### SECTION 3-3.

Said article is further amended by adding a new paragraph (40.2) to Code Section 15-6-3, relating to terms of court, to read as follows:

"(40.2) WALTON CIRCUIT:

Walton County - First and second Mondays in February, May, August, and November."

and by revising paragraph (2) to read as follows:

"(2) ALCOVY CIRCUIT:

(A) Newton County - Second and third Mondays in January, April, July, and October.

~~(B) Walton County - First and second Mondays in February, May, August, and November."~~

## PART IV

### SECTION 4-1.

This Act shall become effective February 1, 2009, except that the provisions of this Act authorizing the Governor to make appointments shall become effective for those purposes upon the approval of this Act by the Governor or upon its becoming law without such approval.

### SECTION 4-2.

All laws and parts of laws in conflict with this Act are repealed.